

United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 15-1177**September Term, 2015****CFPB-2014-CFPB-0002****Filed On: April 4, 2016**

PHH Corporation, et al.,

Petitioners

v.

Consumer Financial Protection Bureau,

Respondent

BEFORE: Henderson and Kavanaugh, Circuit Judges; Randolph, Senior
Circuit Judge

ORDER

It is **ORDERED**, on the court's own motion, that the parties be prepared to address at oral argument on April 12, 2016, the following questions:

1) What independent agencies now or historically have been headed by a single person? For this purpose, consider an independent agency as an agency whose head is not removable at will but is removable only for cause; and

2) If an independent agency headed by a single person violates Article II as interpreted in *Free Enterprise Fund v. PCAOB*, 561 U.S. 477 (2010), what would the appropriate remedy be? Would the appropriate remedy be to sever the tenure and for-cause provisions of this statute, see 12 U.S.C. § 5491(c)? Cf. *Free Enterprise Fund*, 561 U.S. at 508-10. Or is there a more appropriate remedy? And how would the remedy affect the legality of the Director's action in this case?

Per Curiam

FOR THE COURT:

Mark J. Langer, Clerk

BY: /s/

Michael C. McGrail
Deputy Clerk